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THW

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

I hereby certify that this transmittal of the below described document is being deposited with the United States Postal Service in an envelope bearing First Class Postage and addressed to the Commissioner for Patents P.O. Box 1450, Alexandria, VA 22313-1450, on the below date of deposit.

| | | | | | |
|------------------|------------|------------------------------------|--------------|---------------------------------------------|---------------------|
| Date of Deposit: | 12/05/2005 | Name of Person Making the Deposit: | Kristel Lang | Signature of the Person Making the Deposit: | <i>Kristel Lang</i> |
|------------------|------------|------------------------------------|--------------|---------------------------------------------|---------------------|

Inventor(s): Carl HEWITT et al.

Confirmation No.: 8391

Application No.: 09/777,390

Group Art Unit: 2685

Filed: 02/05/2001

Examiner: Nguyen, D.M.

Title: INTERNET-BASED ENHANCED RADIO

Mail Stop Amendment
Commissioner of Patents
P. O. Box 1450
Alexandria, VA 22313-1450

TRANSMITTAL LETTER FOR RESPONSE/AMENDMENT

Sir:

1. Transmitted herewith is an amendment for this application

Transmitted herewith is a response to an office action for the above identified patent application.
(..... sheets)

Transmitted herewith are sheets of substitute formal drawings.

Other:

2. Applicant is other than a small entity

Extension of Term

3. The proceedings herein are for a patent application and the provisions of 37 C.F.R. 1.136 apply.

(a) Applicant petitions for an extension of time under 37 C.F.R. 1.136
(fees: 37 C.F.R. 1.17(a)-(d) for the total number of months checked below:)

| <u>Extension</u> | <u>Fee</u> |
|-------------------|------------|
| [] one month | \$120.00 |
| [] two months | \$450.00 |
| [] three months | \$1,020.00 |
| [X] four months | \$1,590.00 |

Fee \$ 1,590.00

If an additional extension of time is required, please consider this a petition therefor.

(b) Applicant believes that no extension of term is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition for extension of time.

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Fee Calculation

The fee for claims (37 C.F.R. 1.16(b)-(d)) has been calculated as shown below:

| (for other than a small entity) | | | | | |
|---------------------------------------------------------------------------|----------------------------------|----------------------------------------------|----------------------|------------|---------------|
| Fee Items | Claims Remaining After Amendment | Highest Number of Claims Previously Paid For | Present Extra Claims | Fee Rate | Total |
| Total Claims | 23 | - 25 = | 0 | x \$50.00 | \$0.00 |
| Independent Claims | 3 | - 5 = | 0 | x \$200.00 | \$0.00 |
| Multiple Dependent Claim Fee (one or more, first added by this amendment) | | | | \$360.00 | \$0.00 |
| Total Fees | | | | | \$0.00 |

PAYMENT OF FEES

5. The full fee due in connection with this communication is provided as follows:

The Commissioner is hereby authorized to charge any additional fees associated with this communication or credit any overpayment to Deposit Account No.: 23-0085. A duplicate copy of this authorization is enclosed.

A check in the amount of \$ 1,470.00

A check in the amount of \$ 120.00

Charge any fees required or credit any overpayments associated with this filing to Deposit Account No.: 23-0085.

Please direct all correspondence concerning the above-identified application to the following address:

WAGNER, MURABITO & HAO LLP
Two North Market Street, Third Floor
San Jose, California 95113
(408) 938-9060
Customer No:41066

Respectfully submitted,

Date: 17/5/05

By:


John P. Wagner Jr.
Reg. No. 35,398